

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GEORGE ALBERT, D.P.M.,
RESPONDENT.

FINAL DECISION AND ORDER
87 MED 162

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

George Albert, D.P.M.
111 E. Coolidge Ave.
Ironwood, MI 49938

State of Wisconsin
Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final deposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That George Albert, Respondent herein, 111 East Coolidge Avenue, Ironwood, Michigan 49938, is duly licensed to practice podiatry in the State of Wisconsin and that his license bears #358 and was granted on January 2, 1972.

2. That Respondent provided podiatric medical care and treatment for his patient H.D. from March 11, 1974 through April 26, 1984.

3. That on September 16, 1976, Respondent examined the left foot of the patient, H.D., and diagnosed impingement upon the interdigital nerve in the 2nd interspace.

4. That on September 21, 1976, Respondent performed a neurectomy in the 2nd interspace of the patient's left foot.

5. That on March 7, 1977, Respondent performed a neurectomy and decompression of the interdigital nerve in the 2nd interspace of the patient's left foot.

6. That on July 22, 1980, Respondent performed a metatarsal head resection on the second and third digits and arthroplasty of the second digit of patient's left foot.

7. That on April 5, 1984, Respondent performed a bunionectomy excision of fibroma with skin repair, a neurectomy in the first interspace and an exostectomy of the third metatarsal shaft of the patient's left foot.

8. That Respondent's conduct in providing podiatric medical care and surgical treatment for H.D. fell below the minimal standards of acceptable podiatric practice in that Respondent performed surgeries that were not indicated.

9. That Respondent's conduct in providing podiatric medical care and treatment for H.D. fell below the minimal standards of acceptable podiatric medical practice in that Respondent failed to prescribe adequate conservative treatment of the patient's left foot condition prior to use of surgical procedures.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in these proceedings pursuant to Wis. Stats. sec. 448.02(3).

2. That Respondent's conduct as herein described constituted unprofessional conduct within the meaning of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code Ch. MED 10.02(h) in that Respondent failed to meet the minimal standards of acceptable podiatric medical practice in the care and treatment he rendered patient H.D. and this practice constituted a danger to the patient.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED, that within six (6) months of the date of this Order, Respondent George Albert, D.P.M., shall successfully complete a clinical course in podiatric medicine and surgery sponsored by the Podiatry Institute in Tucker, Georgia. The course shall be structured to include diagnostic approaches, treatment recommendations, and surgical techniques, relating to soft tissue, Hammer toe surgery and metatarsal osteotomies. This course shall be in addition to Dr. Albert's required continuing medical education credits under sec. 448.13, Wis. Stats. A copy of the course curriculum and structure is attached hereto as Exhibit A.

IT IS FURTHER ORDERED, that no later than one year after the date of the signing of this Order, Dr. Albert shall present himself to the Podiatry Examining Council and take and pass an oral examination.

IT IS FURTHER ORDERED, that in the event Respondent George Albert, D.P.M., fails to successfully complete the clinical course above within six (6) months of the date of this Order and fails to verify the same to the Department of Regulation and Licensing within seven (7) months of the date of this Order, or he fails to take and pass the oral examination before the Podiatry Examining Council, then his license to practice podiatric medicine and surgery shall be indefinitely suspended until he complies with the terms of this Order.

IT IS FURTHER ORDERED, that the Medical Examining Board shall close investigative file number 87 MED 162.

Dated this 19 of December, 1991.

MEDICAL EXAMINING BOARD

By: Michael P. Mehrnd

RRH:kcb
ATY-1802

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

GEORGE ALBERT, D.P.M., :
RESPONDENT. :

STIPULATION
87 MED 162

It is hereby stipulated and agreed, by and between George Albert, D.P.M., Respondent; and Roger R. Hall, Attorney for Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. The Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats. sec. 448.02.
2. This Stipulation is entered into as a result of a pending investigation of George Albert's practice of podiatric medicine and surgery by the Division of Enforcement. Dr. Albert consents to the resolution of this investigation by Stipulation and without the issuance of a formal disciplinary complaint and hearing.
3. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, the right to file objections to any proposed decision and present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. This Stipulation shall be submitted to the Medical Examining Board along with the attached Final Decision and Order in this matter.
5. The Final Decision and Order attached to this Stipulation may be made and entered in this matter by the Wisconsin Medical Examining Board, without prior notice, pleading, appearance or consent of any party. Respondent agrees that in the event the attached Final Decision and Order is made and entered, he will not appeal or seek review of the Final Decision and Order of the Board and hereby expressly waives any right to appeal.
6. In the event any portion of this Stipulation or attached Findings of Fact, Conclusions of Law and Final Decision and Order is not accepted by the Medical Examining Board, the entire Stipulation and Findings of Fact, Conclusions of Law and Final Decision and Order shall be void and have no effect.

7. The attorney for the Complainant, and the Board Advisor assigned to this matter, may appear before the Medical Examining Board and answer questions or argue in favor of acceptance of this Stipulation and the entering and issuance of the attached Final Decision and Order in the absence of any appearance by the Respondent.

8. If this Stipulation is adopted by the Wisconsin Medical Examining Board, the attached Order shall become effective as stated in the Order.

9. George Albert, D.P.M., Respondent herein, is a physician currently licensed to practice podiatric medicine and surgery in the State of Wisconsin. His license bears #358.

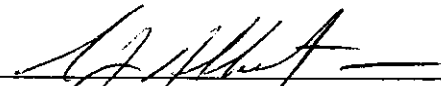
10. The Department of Regulation and Licensing has received a complaint regarding the diagnostic and treatment practices of Respondent.

11. The Respondent admits that his diagnostic and treatment procedures relating to treatment of H.D. did not comply with Wisconsin law.


12. In order to bring this matter to a final resolution, the Respondent agrees to voluntarily submit to the discipline imposed by the Medical Examining Board in providing for supplementary education in the practice of podiatric medicine and surgery.

13. In view of the foregoing agreement on the part of the Respondent, the Division of Enforcement agrees to recommend to the Wisconsin Medical Examining Board that it accept this Stipulation and issue the attached Final Decision and Order.

Dated this 3 day of December, 1991.


George Albert, D.P.M., Respondent

Dated this 5th day of December, 1991.


Roger R. Hall, Attorney for Complainant
State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement

RRH:vec
ATY-1801

GENERAL INFORMATION

The Podiatry Institute, Tucker, Georgia conducts a one week continuing education program providing intensive, individual training in podiatric medicine and surgery. The course is held one week during each of nine months (April, May and July are excluded). The course is limited to twelve individuals during each session.

The participants spend an intensive six days at the Institute's Learning Center at The Northlake Regional Medical Center. The course begins on Sunday night with orientation, surgical lectures, and discussion. Each day's activity begins with surgical rounds and surgery. The first six registrants are allowed to scrub in for observation purposes on selected surgical cases, while the last six observe surgery from the Institute's Learning Center via closed circuit television. Two-way voice communication allows the observers to hear the surgeons' comments and ask questions. Following the day's surgery, the participants receive in-depth lecture and discussion on current topics in podiatric surgery as well as "hands-on" workshops in several areas including internal fixation.

The program is approved by the American Podiatric Medical Association for 67 hours of Continuing Education Credit.

FACULTY INCLUDES:

STEPHEN V. COREY, D.P.M., COURSE DIRECTOR
E. DALTON McGLAMRY, D.P.M.
STANLEY R. KALISH, D.P.M.
JAMES L. BOUCHARD, D.P.M.
JOHN A. RUCH, D.P.M.
A. LOUIS JIMENEZ, D.P.M.
THOMAS F. SMITH, D.P.M.
THOMAS D. CAIN, D.P.M.
ALAN S. BANKS, D.P.M.
and various guest lecturers

Registration for the One Week Course is \$600. A non-refundable deposit of \$250 is required at the time the application is submitted. Space cannot be reserved without the deposit. Space is reserved on a first come, first serve basis. The deposit is transferable, if the change is requested with 30 days notice. The registration fee includes meals and materials. The balance of the registration fee is due upon arrival.

Housing is arranged outside the hospital at one of the local hotels. Information on these accommodations will be provided with confirmation of registration.

Please contact the offices of the Podiatry Institute for a list of available dates.

CURRICULUM

The following areas are available for presentation throughout the week's program. The general topics, as well as manual instruction sessions, are tailored to the individual participants for maximum fulfillment of their requirements.

SOFT TISSUE

Neuroma, Lipoma, Ganglionic cyst, Plantar fibromatosis, Malignant melanoma, Nerve compression syndrome, Verruca

NAIL SURGERY

Subungual exostosis, Surgical and non-surgical treatment of permanent nail avulsion

HAMMER TOE SURGERY

Arthroplasty, Arthrodesis, Hemiphalangectomy, Sequential release of the MPJ for hammer toe repair.

METATARSAL OSTEOTOMIES

Dorsiflexory wedge osteotomy, Closing wedge osteotomy, Open wedge osteotomy, Crescentic osteotomy, "V-shaped" osteotomy, Metatarsus primus varus, Metatarsus adductus, Tailors' union, Brachymetatarsia.

HALLUX VALGUS SURGERY

Silver, McBride, Akin, Reverdin, Keller, Distal Metaphyseal Osteotomies, First Metatarsal Base Osteotomy for metatarsus primus varus, new approaches — using ASIF techniques

IMPLANT SURGERY

First MPJ, lesser MPJs

RECONSTRUCTIVE TENDON SURGERY

Tendo-suspensions for pes valgo planus, gastrocnemius tendon recession, Tendo-Achillis lengthening, Split Tibialis Anterior Tendon Transfer, Hibbs forefoot suspension, Jones suspension, transfer of the tibialis posterior tendon through the interosseous membrane for correction of dropfoot.

REARFOOT SURGERY

Clubfoot, triple arthrodesis, subtalar arthrodesis, cavus foot surgery, pes valgus surgery, Dwyer osteotomy

ANKLE SURGERY

Principles of surgical restoration of the ankle joint following fracture-dislocation, ankle fusion, osseous equinus.

TRAUMA

Diagnosis, classification and treatment of acute fractures/dislocations, including digit, metatarsals, midfoot, talar, calcaneal, ankle, laceration repair, repair of acute tendon ruptures

SWISS INTERNAL FIXATION

Applied to reconstructive forefoot surgery, arthrodesis, cortical interfragmental compression, tension band plating, etc., including bone lab.

PLASTIC SURGERY TECHNIQUES

Skin closure, scar revision, subcuticular techniques, grafting

MANAGEMENT OF SURGICAL COMPLICATIONS

Infection, osseous mal union, hallux varus, reconstruction of iatrogenic deformity

ANESTHESIA AND PODIATRIC SURGERY

Anesthesia techniques, local and general, intraoperative antibiotics, tourniquets, epinephrine

EMERGENCY MEDICINE

CPR techniques, management of the traumatized patient.

MISCELLANEOUS TOPICS

Casting, Rehabilitation, Medical Complications, Bone Grafting

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with The State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon

The State of Wisconsin Medical
Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: The State of Wisconsin Medical Examining Board.

The date of mailing of this decision is December 20, 1991.